E-Filed On 6/13/06 1 NOT SUSAN WILLIAMS SCANN, ESQ. 2 Nevada Bar No. 000776 PAUL R. CONNAGHAN, ESQ. 3 Nevada Bar No. 003229 DEANER, DEANER, SCANN, MALAN & LARSEN 4 720 South Fourth Street, Suite #300 Las Vegas, Nevada 89101 (702) 382-6911 5 **Attorney for Parties In Interest** RIO RANCHO EXECUTIVE PLAZA FRANKLIN/STRATFORD INVESTMENTS, LLC 6 SVRB INVESTMENTS LLC **MONROE AND LOUISE MAYO FAMILY TRUST 92** RICHARD A. THURMOND TRUST 8 BOISE GOWAN LLC 9 UNITED STATES BANKRUPTCY COURT 10 FOR THE DISTRICT OF NEVADA 11 Case No. BK-S-06-10725 LBR In re: USA COMMERCIAL MORTGAGE Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR 12 COMPANY, Case No. BK-S-06-10728 LBR 13 Case No. BK-S-06-10729 LBR Debtor 14 USA CAPITAL REALTY ADVISORS, LLC. Chapter 11 15 <u>Debtor</u> Jointly Administered Under Case No. BK-S-06-10725 LBR In re: USA CAPITAL DIVERSIFIED TRUST 16 DEED FUND, LLC. Date of Hearing: OST Requested 17 Time of Hearing: OST Requested <u>Debtor</u> 18 In re: Affects: USA CAPITAL FIRST TRUST 19 DEED FUND, LLC. USA Commercial Mortgage Company USA Capital Diversified Trust Deed Fund, LLC 20 USA Capital First Trust Deed Fund, LLC Debtor In re: 21 USA SECURITIES, LLC. 22 Debtor 23 STATEMENT OF COMPLIANCE WITH U.S. BANKRUPTCY RULE 2019 24 I, SUSAN WILLIAMS SCANN, ESQ., declare under penalty of perjury, and state as 25 26 follows: 27 1. I am an attorney licensed to practice law in the state of Nevada and a partner of 28 1

27

28

The representation of this client is based on a Date of Construction Loan Agreement dated January 17, 2006, secured by a Deed of Trust. The commitment is \$6,100,000.00, of which \$250,000.00 has been funded.

1 2	C.	Unsecured C	reditor:	Robert A. Russell 8585 E. Hartford Drive, Suite 500 P.O. Box 28216 Scottsdale, AZ 85255		
3 4		Debtor:		USA Commercial Mortgage Company 4484 South Pecos Road Las Vegas, NV 89121		
5				USA Capital First Trust Deed Fund and USA Capital Diversified Trust Deed Fund		
7	The representation of this client is based on consultation services to the Debtor					
8	(USA Commercial Mortgage Company) provided in the amount of \$400,000.00 and on his					
9	personal guarantees of some USA Capital Mortgage brokered loans.					
10						
11	D.	Borrower:		SVRB Investments LLC c/o Robert A. Russell, Manager		
12				8585 E. Hartford Drive, Suite 500 P. O. Box 28216		
13				Scottsdale, AZ 85255		
14 15		Debtor:		USA Commercial Mortgage Company 4484 South Pecos Road Las Vegas, NV 89121		
16				USA Capital First Trust Deed Fund and		
17				USA Capital Diversified Trust Deed Fund		
18	The representation of this client is based on a Construction Loan Agreement and					
19	Promissory Note, secured by a Deed of Trust recorded in the original amount of \$6,825,000,					
20	of which \$1,424,081.49 has been funded.					
21	E.	Borrower:	Boise Gowar	n LLC . Russell, Manager		
22			8585 E. Hart P. O. Box 28	ford Drive, Suite 500		
23			Scottsdale, A			
24		Debtor:	USA Comme 4484 South F	ercial Mortgage Company Pecos Road		
25			Las Vegas, N			
26			USA Capital USA Capital	First Trust Deed Fund and Diversified Trust Deed Fund		
27	The representation of this client is based on a Construction Loan Agreement and					
28			3			

Case 06-10725-gwz Doc 628 Entered 06/13/06 13:35:30 Page 4 of 17

I declare under penalty of perjury that the foregoing is true and correct. 1 DATED this 13 day of June, 2006. 2 DEANER, DEANER, SCANN, 3 MALAN & LARSEN 4 5 LIAMS SCANN, ESQ. Nevada Bar No. 000776 6 720 South Fourth Street, Suite 300 7 Las Vegas, Nevada 89101 Attorney for Parties In Interest 8 RIO RANCHO EXECUTIVE PLAZA FRANKLIN/STRATFORD INVESTMENTS, LLC 9 SVRB INVESTMENTS LLC MONROE AND LOUISE MAYO FAMILY TRUST 92 10 **BOISE GOWAN LLC** RICHARD A. THURMOND TRUST 11 ROBERT A. RUSSELL 12 13 STATE OF NEVADA 14) ss. COUNTY OF CLARK 15 SUSAN WILLIAMS SCANN, being first duly sworn, deposes and says: 16 That she is an attorney licensed to practice in the State of Nevada; that she has read 17 the above and foregoing Notice of Compliance with U.S. Bankruptcy Rule 2019 and knows 18 the contents thereof; that she is informed and believes that the matters therein contained are 19 true. 20 21 22 SUBSCRIBED AND SWORN TO before 13⁺¹\ day of June, 2006. me on this 23 **NOTARY PUBLIC** PRESTINE ALEXANDER 24 STATE OF NEVADA - COUNTY OF CLARK OTARY PUBLIC in and for said County 25 and State 26

27

```
1
    COM
    SUSAN WILLIAMS SCANN, ESQ.
    Nevada Bar No. 000776
    PAUL R. CONNAGHAN, ESQ.
 3
    Nevada Bar No. 003229
    DEANER, DEANER, SCANN, MALAN & LARSEN
    720 South Fourth Street, Suite #300
 4
    Las Vegas, Nevada 89101 (702) 382-6911
 5
    Attorney for Party In Interest
    Franklin/Stratford Investment LLC
 6
                            UNITED STATES BANKRUPTCY COURT
 7
                                FOR THE DISTRICT OF NEVADA
 8
                                                  Case No. BK-S-06-10725 LBR
 9
    USA COMMERCIAL MORTGAGE
                                                  Case No. BK-S-06-10726 LBR
    COMPANY,
                                                  Case No. BK-S-06-10727 LBR
10
                                                  Case No. BK-S-06-10728 LBR
                                                  Case No. BK-S-06-10729 LBR
                        Debtor
11
    In re:
    USA CAPITAL REALTY ADVISORS, LLC.
                                                  Chapter 11
12
                        Debtor
                                                  Jointly Administered Under
13
                                                  Case No. BK-S-06-10725 LBR
    In re:
    USA CAPITAL DIVERSIFIED TRUST
14
                                                  Date of Hearing: OST Requested for June 15, 2006
    DEED FUND, LLC.
                                                  Time of Hearing: OST Requested for 9:30 a.m.
15
                        <u>Debtor</u>
    In re:
16
    USA CAPITAL FIRST TRUST
                                                  Affects:
    DEED FUND, LLC.
                                                  USA Commercial Mortgage Company
17
                                                  USA Capital Diversified Trust Deed Fund, LLC
                                                  USA Capital First Trust Deed Fund, LLC
                        Debtor
18
    In re:
    USA SECURITIES, LLC.
19
                        Debtor
20
                                 CERTIFICATE OF MAILING
21
           I hereby certify that service of the above and foregoing NOTICE OF COMPLIANCE was
22
    made this 13th day of June, 2006, by depositing a copy of the same in the United States mail in Las
23
24
    Vegas, Nevada, postage-prepaid, addressed to the following:
25
    DEBTOR AND COUNSEL
26
    ANNETTE W. JARVIS
    RA Y QUINNEY & NEBEKER P.C.
27
    36 SOUTH STATE STREET, SUITE 1400
    P.O. BOX 45385
28
    SALT LAKE CITY, UTAH 84145-0385
```

Case 06-10725-gwz Doc 628 Entered 06/13/06 13:35:30 Page 7 of 17

```
Case 06-10725-gwz Doc 628 Entered 06/13/06 13:35:30 Page 8 of 17
 1
    TIM RICH
    C/O FINANCIAL WEST GROUP
 2
    4510 E. THOUSAND OAKS BLVD.
    THOUSAND OAKS, CA 91362
 3
    UNSECURED CREDITORS COMMITTEE FOR USA COMMERCIAL MORTGAGE
 4
    COMPANY
    Bunch Bell
 5
    1909 Red Robin Court
    Las Vegas, NV 89134
 6
    Advanced Information Systems
 7
    c/o Michael T. Yoder
    4270 Cameron Street, Suite #1
 8
    Las Vegas, NV 89103
 9
    C/O Donald R. Walker
    9209 Eagle Hills Drive
10
    Las Vegas, NV 89134-6109
11
    Russell AD Development Group, LLC
    P. O. Box 28216
12
    Scottsdale, AZ 85255
13
    Robert A. Russell
    8585 East Hartford Drive
14
    Suite 500
    Scottsdale, AZ 85255
15
    Annee Nounna
16
    8057 Lands End Court
    Las Vegas, NV 89117-7635
17
    Robert L. Hagmaier
18
    15254 Candlewood Court
    Lake Oswego, OR 97035
19
    [PROPOSED] COUNSEL FOR THE FOLLOWING TWO INVESTOR COMMITTEES: Equity
20
    Security Holders of USA Capital First Trust Deed Fund, LLC and Equity Security Holders of
    USA Capital Diversified Trust Deed Fund;
21
    Jeffrey H. Davidson
22
    Frank A. Merola
    Eve H. Karaski
23
    Stutman, Treister & Glatt, P.C.
    1901 Avenue of the Stars, 12th Floor
24
    Los Angeles, CA 90067
25
    James Patrick Shea
    Candace C. Carlyon
26
    Shea & Carlyon, LTD.
    233 S. Fourth Street, 2<sup>nd</sup> Floor
27
    Las Vegas, NV 89101
28
```

Telephone (702) 382-6911•Facsimile (702) 366-0854

Las Vegas, Nevada 89101

1 COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED 2 FUND, LLC. 3 Fobert E. Taylor 1535 Flynn Road 4 Camarillo, CA 93012 5 John Warner Jr., IRA C/O First Savings Bank 6 2605 East Flamingo Road Las Vegas, NV 89121 7 8 C/O Chuck Heinrichs 198 E. Pajaro 9 Newbury Park, CA 91320 10 John H. Warner, Jr. 2048 North Chettro Trail 11 St. George, UT 84770 12 Mary E. and Matthew J. Moro, JTWROS 1009 8th Street 13 Manhattan Beach, CA 90266 Richard G. Woudstra Revocable Trust 14 Richard G. Woudstra, TTWW 15 P. O. Box 530025 Henderson, NV 89053 16 Wen Baldwin Separate Property Trust 17 365 Dooley Drive Hendersive, NV 89015 18 Jerry T. McGimsey 3115 South El Camino Rd. Las Vegas, NV 89146 19 20 Richard Horowitz 21 5 Fir Drive Kingspoint, NY 11024 22 COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC. 23 24 Robert G. Worthen 1112 Worthen Circle 25 Las Vegas, NV 89145 Katz 2000 Separate Property Trust 26 Sara M. Katz, Managing Trustee 4250 Executive Square, #670 27 San Diego, CA 92037 28

DEANER, DEANER, SCANN, MALAN & LARSEN

720 South Fourth Street, Suite 300

Telephone (702) 382-6911•Facsimile (702) 366-0854

Las Vegas, Nevada 89101

Case 06-10725-gwz Doc 628 Entered 06/13/06 13:35:30 Page 10 of 17

Las Vegas, Nevada 89101 Telephone (702) 382-6911•Facsimile (702) 366-0854

C/O Edward W. Homfeld
858 Bishop Road Grosse Pointe Park, MI 48230
Nevada Mortgage Lending Division
Attn: Susan Eckhardt 3075 East Flamingo #100 Las Vegas, NV 89121
U. S. Securities and Exchange Commission Attn: Sandra W. Lavigna 5670 Wilshire Blvd., 11 th Floor
Los Angeles, CA 90036-3648
Pension Benefit Guaranty Corporation Office of the Chief Counsel
1200 K. Street Street, N.W. Washington, D.C. 20005-4026
Department of Employment Training Employment Sec. Div., Contributions 500 East Third Street
Carson City, NV 89713-0030
DMV and Public Safety Records Section 555 Wright Way
Carson City, NV 89711-0250
Employers Insurance Co. Of NV Attn: Bankruptcy Desk
9790 Gateway Drive Reno, NV 89521-5906
NV Dept. of Taxation Bankruptcy Division 555 East Washington, #1300
Las Vegas, NV 89101
Internal Revenue Service Attn: Bankruptcy dept.
Stop 5028 110 City Parkway Las Vegas, NV 89106
5 /
Secretary of State State of Nevada 202 North Carson Street
Carson City, NV 89701
NV Department of Taxation
Revenue Division Capitol Complex Carson City NV 80701 0003
Carson City, NV 89701-0003

Felephone (702) 382-6911•Facsimile (702) 366-0854

27

28

Las Vegas, Nevada 89101

1

Office of Labor Commissioner

1	Edward W. Homfeld				
2	Homfeld II LLC 777 South Federal Highway, Suite –409 Pompano Beach, FL 33062				
3					
4	Richard McKnight, ESQ. Law Offices of Richard McKnight				
5	330 S. Third Street, #900 Las Vegas, NV 89101				
6	RJ Rocco				
7	12617 Cottageville Lane Keller, TX 76248				
8	Margie Gandolfo				
9	1724 Arrow Wood Drive Reno, NV 89521				
10	Janny Catharina Brouwer				
11	2533 Kinnard Avenue Henderson, NV 89074				
12	Robert R. Kinas, ESQ. Jennifer L. McBee				
13	Snell & Wilmer, LLP 3800 Howard Hughes Pkwy., #1000				
14	Las Vegas, NV 89109				
15	Michael R. Shuler C/O Jay R. Eaton				
16	Eaton &O'leary, PLLC 115 Grove Avenue				
17	Las Vegas, NV 89121				
18	Janet L. Chubb, ESQ.Jones Vargas 100 West Liberty Street, 12 th Floor				
9	P. O. Box 281 Reno, NV 89504-0281				
20	Martin B. Weiss, ESQ.				
21	The Garrett Group, LLC One Better World Circle, Suite 300				
22	Temecula, CA 92590				
23	Attila Jefzenszky 1720 Colavita Way				
24	Reno, NV 89521				
25	Vince Danelian C/O Edward J. Hanigan, ESQ.				
26	199 N. Arroyo Grande Blvd., #200 Henderson, NV 89074				
27	110110115011, 111 02077				

1	William L. McGimsey, ESQ. 601 East Charleston Blvd.			
2	Las Vegas, NV 89104			
3	Paul & Donna Jacques 810 SE 7 th Street, A103			
4	Deerfield Beach, FL 33441			
5	Peter Bolino 17412 Serene Drive			
6	Morgan Hill, CA 95037			
7	Sean Najarian, ESQ. The Najarian Law Firm			
8	283 S. Lake Avenue, Suite 205 Pasadena, CA 91101			
9	,			
10	Scott D. Fleming Hale Lane Peek Dennision and Howard			
11	3930 Howard Hughes Parkway, 4 th Floor Las Vegas, NV 89109			
12	Nile Leatham James B. Macrobbie			
13	Kolesar & Leatham, CHTD 3320 W. Sahara Ave., Ste., 380			
14	Las Vegas, NV 89102			
15	Laurel E. Davis Lionel Sawyer & Collins			
16	1700 Bank of America Plaza 300 S. Fourth Street			
17	Las Vegas, NV 89101			
18	Gilbert B. Weisman Becket and Lee LLP			
19	P. O. Box 3001 Malvern, PA 19355-0701			
20	Caryn S. Tijsseling			
21	Beesley, Peck & Matteoni, LTD 5011 Meadowood Mall Way, #300			
22	Reno, NV 89502			
23	Nicholas J. Santoro 400 S. Fourth Street, 3 rd Floor			
24	Las Vegas, NV 89101			
25	Jed A. Hart			
26	Angelo, Gordon & Co. 245 Park Avenue, 26 th Floor New York, NY 10167			
27	INCW I OIK, IN I TOTO/			

Las Vegas, Nevada 89101

	1 2	Bradley J. Stevens Robbins & Green, P.A. 3300 North Central Avenue, Suite 1800 Phoenix, AZ 85012	
Telephone (702) 382-6911•Facsimile (702) 366-0854	3	CiCi Cunningham, ESQ. James A. Kohl, ESQ. Christine Roberts, ESQ. Rawlings, Olson, Cannon, Gormley & Desruisseaux 9950 W. Cheyenne Avenue	
	5 6		
	7	Gerald M. Gordon, ESQ. Thomas H. Fell, ESQ. Gordon & Silver, LTD. 3960 Howard Hughes Parkway, 9 th Floor	
	8		
	9		
	10	Franklin C. Adams Best Best & Kriefer, LLP	
	11	3750 University Ave. P. O. Box 1028	
	12	Riverside, CA 92502-1028	
	13	Jeffrey G. Sloane, ESQ.	
acsimi	14	Regina M. McConnell, ESQ Kravitz, Schnitzer, Sloane, Johnson & Eberhardy, CHTD	
02) 382-6911•F	15	1389 Galleria Drive., Ste, 200 Henderson, NV 89014	
	16	Kevin B. Christensen Xanna R. Hardman 7440 W. Sahara Ave. Las Vegas, NV 89117	
phone (17		
Telep	18	Richard Mason	
	19	Patricia K. Smoots Michael M. Schmahl	
	20	McGuire Woods, LLP	
	21	77 West Wacker Drive., Ste., 4100 Chicago, IL 60601	
	22	Donald T. Polednak, ESQ.	
	23	7371 Prairie Falcon, Ste., 120 Las Vegas, NV 89128	
	24	Peter Susi	
	25	Jay L. Michaelson Michaelson, Susi & Michaelson Seven West Gigueroa St., 2 nd Floor Santa Barbara, CA 93101-3191	
	26		
	27		

Las Vegas, Nevada 89101

F:\OFFICE\CLIENTS\FranklinStratford v. USA Commercial MOrtgage\DOC\COM.wpd

Thomas W. Stilley Sussman Shank LLP 1000 SW Broadway, Ste., 1400 Portland, OR 97205-3089

Employee of DEANE MALAN & LARSEN